

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GUNSER VERDIER	:	CIVIL ACTION
	:	
v.	:	
	:	
DARBY BOROUGH, et al.	:	NO. 10-377

**ORDER RE: DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

AND NOW, this 20th day of June, 2011, upon consideration of Defendants' Motion for Summary Judgment (ECF No. 19), the responses thereto, and the discussion at oral argument, and for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that Defendants' Motion for Summary Judgment is GRANTED in part and DENIED in part in accordance with the Memorandum. It is further ORDERED that:

1. All claims against Defendant Darby Borough in Counts I and II are DISMISSED;
2. Judgment is entered in favor of Defendants Simpkins and Pitts on Count III;
3. The Motion is DENIED as to the unlawful search and excessive use of force claims in Count III against Defendant Evans;
4. The Motion is DENIED as to the unlawful search claim in Count III against Defendant Ray;
5. Count IV, the supervisory liability claim against Defendant Pitts, is DISMISSED;
6. Judgment is entered in favor of Defendants Simpkins, Ray, and Pitts on Counts V and VI;
7. The Motion is DENIED as to Counts V and VI, the assault and battery claims, against Defendant Evans; and

8. Judgment is entered in favor of Defendants Simpkins, Evans, and Pitts on Count VII.

BY THE COURT:

s/Michael M. Baylson

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Michael M. Baylson, U.S.D.J.

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